

REMARKS

Claim 1 is revised to incorporate the substance of Claims 2 and 3, with revisions intended to define over the art of record. Claims 1-9 and 11-18 remain under consideration.

Claims 1, 2, 5, 9, 11, 12, and 15-18 were rejected as unpatentable over *DeWitt* (US 6,776,505) in view of *Visagie* (US 5,806,223). Because currently-amended Claim 1 now includes the substance of Claim 3, that rejection is considered moot.

Claims 1-3, 5, 6, 9, and 11-13 were rejected as unpatentable over *Shroyer* (US 4,353,327) in view of *Lin* (US 4,942,685) and *Visagie*. The Applicant respectfully traverses this rejection as possibly applied to currently-amended Claim 1.

Claim 1 now defines an illuminated display apparatus comprising, in combination with other recited elements, a shelf unit in the housing for supporting a three-dimensional object within the recessed area of the housing. This shelf unit is spaced inwardly from the side member of the housing, and extends outwardly from the rear wall of the housing and is substantially perpendicular to the rear wall, with a depth less than the depth of the recessed area. (A description of the shelf unit and its depth, in the disclosed embodiment, appears at page 4, lines 5-9 of the specification.)

The rejection of Claim 3 points to "shelf 74" in *Shroyer*. That reference discloses an aquarium within a wall-mounted housing, including a three-dimensional representation of a fisherman sitting on a "dock 74" (column 3, Lines 38-41). That dock 74 is slanted or tilted downwardly (Fig. 3) to provide the desired perspective effect of depth, when viewed from the front (Fig. 1) of the aquarium. *Shroyer* intends that the dock 74 with its sitting fisherman is merely an optional portion of the above-water land

presentation, and not part of the aquarium itself (column 4, Lines 8-13). That dock 74, if present, thus forms a part of the artwork or other object on display.

The Applicant's illuminated display apparatus, in contrast with *Shroyer's* aquarium, requires a shelf unit in the housing for supporting the three-dimensional object contained within the recessed area of the housing. To accomplish that purpose, the shelf unit extends outwardly from their rear wall of the housing in substantially perpendicular relation to that rear wall. The shelf unit in the claimed display apparatus thus is available for supporting a three-dimensional object within the display space, whether than being an optional part of the displayed object itself as disclosed by *Shroyer*.

Neither *Shroyer*, *Lin*, nor *Visagie* disclose or suggest a photo frame having a shelf unit extending outwardly from and perpendicularly to the rear wall of the housing, in the overall combination of amended Claim 1. The downwardly-tilted dock 74 of *Shroyer* has that configuration for perspective in the overall artistic presentation depicted by that reference, and one of ordinary skill finds no teaching in that reference to modify that dock into the Applicant's shelf unit. Moreover, any such untaught modification of *Shroyer* would destroy the perspective effect of the dock 74 and would thus not have been obvious. For that reason, the display apparatus now defined by Claim 1 would not have been obvious to one of ordinary skill, at the time the present invention was made. Accordingly, Claim 1 is patentable over the applied art.

The claims depending from amended Claim 1 are rejected as unpatentable over *Shroyer* in view of *Lin* and *Visagie*, further in view of certain other secondary references cited to show the elements added by those dependent claims. However, those added secondary references do not overcome the deficiencies mentioned above with respect to

S/N 10/774,542

parent Claim 1 and were not cited for that purpose. Accordingly, the Applicant respectfully submits that the remaining claims depending from Claim 1 are patentable over the applied art for the reasons discussed above with respect to that parent claim.

The foregoing is submitted as a complete response to the Office action identified above. The Applicant submits that the present application is in condition for allowance and solicits a notice to that effect.

Respectfully submitted,

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